United Nations A/58/181/Add.1

General Assembly

Distr.: General
8 September 2003

Original: English

Fifty-eighth session
Item 119 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities

Report of the Secretary-General**

Addendum

I. Introduction

1. By its resolution 2002/61 of 25 April 2002, the Commission on Human Rights requested the Secretary-General to report annually to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities. In order to avoid duplication with the several reports which are submitted every year to different organs and subsidiary bodies of the United Nations on the issue of disability, the Secretariat decided to submit a report focusing on the protection afforded by international human rights law to persons with mental disabilities, with a particular focus on the issue of procedural safeguards for persons with mental disabilities.

2. In compliance with the request contained in Commission on Human Rights resolution 2002/61, the Secretary-General distributed a questionnaire to States, relevant bodies and organizations of the United Nations system and national human rights institutions, requesting information on national legislation and practice relating to persons with mental disabilities. By 4 September 2003, the Office of the United Nations High Commissioner for Human Rights had received responses from the Governments of Chile, El Salvador and India. The present addendum to the report of the Secretary-General (A/58/181) has become necessary in order to incorporate the replies received from these States after the submission of the present report.

* A/58/150.

** The present addendum has been submitted late in order to ensure that all the relevant information provided by Governments is before the General Assembly.

03-49518 (E) 250903

II. Replies received from Governments

3. In paragraph 6, second sentence, add the following States to the list of those who have replied to the questionnaire:

Chile, El Salvador, India

4. In paragraph 19, after the third sentence, add the following sentence:

In India, the responsibility to decide over a person's legal capacity rests solely with medical authorities.

5. In paragraph 29, after last sentence, add the following sentence:

In Chile, the decision on compulsory institutionalization is taken by a qualified medical doctor, and must be subject to the scrutiny of the health authority if extended over 72 hours. The intervention of the judicial authority is only requested in the cases provided for by the Code of Criminal Procedure.

6. In paragraph 30, last sentence, insert the following State before Costa Rica and Mexico:

Chile

7. Add Chile to footnotes 10, 12-14, 25 and 29.

8. Add El Salvador to footnote 23, 29, 42 and 43.